

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Michael Mann, Meryl Mann and BAM L.P.

Defendants.

Adv. Pro. No. 10-04390 (CGM)

**DECLARATION OF ARTHUR H. RUEGGER IN OPPOSITION TO TRUSTEE'S
MOTION FOR SUMMARY JUDGMENT FOR PREJUDGMENT INTEREST**

I, Arthur H. Ruegger, does hereby declare the following:

I am Senior Counsel in the law firm of Dentons US LLP, counsel to Defendants Michael and Meryl Mann and BAM L.P. (the "Defendants").

I make this Declaration pursuant to Federal Rule of Bankruptcy Procedures 7056 and Local Rule 7056-1 in opposition to the motion for summary judgment filed on October 15, 2020 by Irving H. Picard (the "Trustee"), the Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") against Defendants.

I have reviewed the court documents referenced herein, which include documents from the official record of this adversary proceeding in the Bankruptcy Court (*Picard v. BAM, L.P.*, Adv. No 10-04390 (CGM)), the record in the United States District Court for the Southern District of New York of this adversary proceeding (*Picard v. BAM, L.P.*, No. 11-cv-07667 (JSR) (S.D.N.Y. Jan. 25, 2012)), and the record of the main case for BLMIS (*Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC*, Case No. 08-01789 (SMB)).

Attached hereto as Exhibit A for the Court's convenience is a true and correct copy of the Trustee's Twenty-Fourth Interim Report for the Period April 1, 2020 through September 30, 2020 filed on October 28, 2020, Case No. 08-01789 (SMB) [ECF No. 19896]; www.madofftrustee.com.

Attached hereto as Exhibit B for the Court's convenience is a true and correct copy of the Memorandum of Law in Support of Trustee's Motion for an Order Affirming Trustee's Calculations of Net Equity and Denying Time-Based Damages dated October 12, 2012, filed by the Trustee opposing adjustment to customer claims with addition of interest, among other adjustments. Case No. 08-01789 (SMB)[ECF No. 5039].

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Dated: November 16, 2020
New York, New York

DENTONS US LLP

By: /s/Arthur H. Ruegger

Arthur H. Ruegger

1221 Avenue of the Americas

New York, New York 10020

Tel: (212) 768-6700

Fax: (212) 768-6800

arthur.ruegger@dentons.com

Attorneys for Defendants